

February 8, 2007

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 8th day of February, 2007 at 8:00 P.M., and there were

PRESENT:           JOHN ABRAHAM, JR., MEMBER  
  
                          WILLIAM MARYNIEWSKI, MEMBER  
  
                          JAMES PERRY, MEMBER  
  
                          ARLIE SCHWAN, MEMBER  
  
                          ROBERT THILL, MEMBER  
  
                          JEFFREY LEHRBACH, CHAIRMAN

ABSENT:            RICHARD QUINN, MEMBER

ALSO PRESENT:    JOHANNA M. COLEMAN, TOWN CLERK  
  
                          JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC:**

THE 1st CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Affordable Senior Housing Opportunities of New York, Inc., Michael Connors, Agent, 1430 Millersport Highway, Williamsville, New York 14221 for two [2] variances for the purpose of constructing a two [2] story senior citizens residence on property owned by David P. Smith located at 6026 Broadway [north of Broadway and west of Pavement Road], to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 13C.(2)(g) of the Code of the Town of Lancaster. The petitioner's plans call for the structure to be constructed with eight [8] walls each exceeding the maximum length permitted in the Code of the Town of Lancaster, the longest of the walls being four hundred seven feet, three inches [407', 3"] in length.

Chapter 50, Zoning, Section 13C.(2)(g) of the Code of the Town of Lancaster restricts the aggregate length of any wall to a maximum length of one hundred seventy six feet [176']. The petitioner, therefore, requests a variance of two hundred thirty one feet, three inches [231', 3"] for the longest wall as well as lesser variances for the remaining seven [7] walls.

- B. A second variance from the requirements of Chapter 50, Zoning, Section 13C.(2)(g) of the Code of the Town of Lancaster. The petitioner's plans call for seven [7] of the eight [8] walls of the structure to exceed one hundred thirty two feet [132'] without the required offset, the longest such section being two hundred forty feet, ten and three eighth inches [240', 10 3/8"] in length.

Chapter 50, Zoning, Section 13C.(2)(g) of the Code of the Town of Lancaster restricts the wall sections to one hundred thirty two feet [132'] or less in length. The petitioner, therefore, requests a variance of one hundred eight feet, ten and three eighth inches [108', 10 3/8"] for the longest wall as well as lesser variances for the remaining six [6] walls.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Public Works, Division of Highways of the time and place of this public hearing.

Copy of the response from the Erie County Department of Environment and Planning dated January 18, 2007 and received January 24, 2007.

Copy of the comment letter from Belmont Shelter Corporation dated February 5, 2007 and received February 6, 2007 expressing concerns about water supply and drainage.

**PERSONS ADDRESSING THE BOARD**

Michael Connors, Agent, Clover Management Affordable Senior Housing Opportunities of New York, Inc. 1430 Millersport Highway Williamsville, New York 14221	Proponent
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David P. Smith 6026 Broadway Lancaster, New York 14086	Proponent
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**IN THE MATTER OF THE PETITION OF AFFORDABLE SENIOR HOUSING  
OPPORTUNITIES OF NEW YORK, INC.**

THE FOLLOWING MOTION WAS MADE  
BY MR. THILL, AND SECONDED BY  
MR. SCHWAN, TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Affordable Senior Housing Opportunities of New York, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of February 2007, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner regarding construction cost estimates for alternative structures.

**WHEREAS**, the Zoning Board of Appeals desires to tour similar structures in the area.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT  
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

The motion was duly put to a vote which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	WAS ABSENT
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

MOTION CARRIED

February 8, 2007

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:20 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: February 8, 2007